

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BARBARA CLEM,

Plaintiff,

vs.

G.D. SEARLE, LLC (hereinafter
“Searle”) a subsidiary of PHARMACIA
CORPORATION, (hereinafter
“Pharmacia”), a Foreign Corporation;
MONSANTO COMPANY; PFIZER
INC.; et al,

Defendants.

Civil Action No. 05-CV-293

UNOPPOSED MOTION TO TEMPORARILY STAY ALL PROCEEDINGS
PENDING TRANSFER DETERMINATION BY JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Without opposition by Plaintiff, Defendant Pfizer Inc. (“Pfizer”) moves this Court to temporarily stay all proceedings in this action pending a determination by the Judicial Panel on Multidistrict Litigation regarding the transfer of this action to *In re Bextra and Celebrex Products Liability Litigation* (MDL-1691, E.D. La.), *In re Bextra Marketing and Sales Practices Litigation* (MDL-1693, S.D. N.Y.), or *In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation* (MDL-1699, E.D. La.); to-wit, various MDL proceedings that have been established to coordinate all product liability and marketing practices cases involving alleged health risks associated with Bextra®.¹

¹ N.B. Pfizer has objected to the various Bextra® MDL proceedings. This Motion to Stay constitutes neither an acquiescence to, nor endorsement of any Bextra® MDL proceedings by Pfizer.

Oral argument was heard by the Judicial Panel on Multidistrict Litigation on July 28, 2005, at the United States Courthouse in Denver, Colorado, to determine whether this and other pending civil actions around the country shall be incorporated into existing MDL proceedings relating to Bextra®. *See* Exhibit A, Notice of Hearing Session. The parties do not advance this motion to stay proceedings in this action until the ultimate conclusion of Bextra® MDL proceedings; rather, a stay is prayed for until such time as the Judicial Panel on Multidistrict Litigation issues its determination of the July 28, 2005, oral argument regarding the incorporation of the instant action into MDL proceedings. As the parties await the determination of the Judicial Panel on Multidistrict Litigation, a stay in these proceedings is necessary and appropriate to achieve the judicial economies that underlie the MDL process, as set forth at 28 U.S.C. § 1407. Without a stay, this Court would waste time and resources supervising pre-trial proceedings, discovery, and making rulings in a case over which it could soon lose jurisdiction.

This motion is not interposed for delay or prejudice.

WHEREFORE, without opposition by Plaintiff, Defendant respectfully requests this Court to temporarily stay all proceedings pending the determination of transfer by the Judicial Panel on Multidistrict Litigation.

/s/ Gilbert C. Steindorff, IV
Lawrence B. Clark
Gilbert C. Steindorff, IV
Michael L. Wade
Attorneys for Pfizer, Inc.

OF COUNSEL:

ADAMS AND REESE / LANGE SIMPSON LLP
2100 3rd Ave. N. Suite 1100
Birmingham, AL 35203

205.250.5000
205.250.5034 fax

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, the 10th day of August, 2005, the above and foregoing pleading has been filed using the CM/ECF system, which will provide electronic notification to the following counsel of record:

Navan Ward, Jr.
Andy D. Birchfield, Jr.
Paul Sizemore
BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, AL 36103-4160

/s/ Gilbert C. Steindorff, IV
OF COUNSEL